

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ANELLO FENCE, LLC,	:	
	:	Hon. Claire C. Cecchi
Plaintiff,	:	
	:	ORDER
v.	:	
	:	Civil Action No. 2:13-cv-03074 (CCC) (JBC)
VCA SONS, INC., et al.,	:	
	:	
Defendants.	:	

Claire C. Cecchi, U.S.D.J.:

This matter was opened by the Court *sua sponte* during an in-person case management conference on September 3, 2013. The Court expressed its concern over the propriety of the joinder of Third Party Plaintiff Anello Brothers, Inc. ("Anello Brothers") without prior leave of the Court and instructed the parties to submit briefing on the issue. After considering the positions of the parties, United States Magistrate Judge James B. Clark ("Judge Clark") recommended that Anello Brothers, Inc. be dismissed without prejudice. (Report and Recommendation, November 15, 2013, ECF No. 45).

The Court has reviewed the Report and Recommendation de novo and concurs in Judge Clark's Opinion. Further, Counsel for Anello Brothers, Jay R. McDaniel, Esq., does not object to the recommendation that Anello Brothers be dismissed from this action without prejudice. (Letter, November 22, 2013, ECF No. 46). Therefore, this Court will adopt Judge Clark's Report and Recommendation as the Opinion of the Court.

It is on this 14 day of March, 2014

ORDERED that the Report and Recommendation of United States Magistrate Judge James B. Clark (ECF No. 45) is hereby **adopted** as the Opinion of the Court, and it is further;

ORDERED that Third Party Plaintiff Anello Brothers, Inc. is **dismissed without prejudice** from this action.



Claire C. Cecchi, U.S.D.J.

Date: March 14, 2014
Original: Clerk
cc: All Counsel of Record
Hon. James B. Clark, U.S.M.J.
File